IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL MISC.NO.58206 M OF 2006

DATE OF DECISION: JULY 12, 2007

Gurdeep Singh

.....Petitioner

VERSUS

The State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. **Whether Reporters of local papers may be allowed to see the judgement?**
2. **To be referred to the Reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

PRESENT: Mr. G. S. Thind, Advocate,
for the petitioner.

Mr. M. C. Berry, Sr.DAG, Punjab.

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RANJIT SINGH, J. (ORAL)

The petitioner has prayed for transfer of an enquiry into DDR No.81 dated 28.4.2006 recorded at Police Station Gidderbaha, to some independent agency like Vigilance Bureau, Crime Branch or to some senior officer of District other than Mukatsar.

The petitioner, a farmer, sold his wheat crop to M/s Sajjan Trading Company Gidderbaha. On 28.4.2006, he received a payment of Rs.1,90,000/- from the firm. The petitioner put this money in a bag and boarded a bus

alongwith his son. One Kirna Singh resident of Sikh Mohalla, Gidderbaha, was present at the time of receipt of payment by the petitioner. Kirna had also boarded bus alongwith the petitioner. On reaching his house, the petitioner found the amount missing from the bag. The bag was found torn from the bottom side. The petitioner lodged the above referred DDR.

The petitioner claims that Kirna Singh was summoned to the Police Station by respondent Nos.5 and 6 and after investigation, the amount was recovered from his residence. Despite this, as per the petitioner, no case was registered and, thus, the case was not properly investigated. The petitioner gave representation to S.S.P., Mukatsar, on 29.6.2006 followed by a legal notice to D.G.P., Punjab and S.S.P., Mukatsar, copies of which are annexed as Annexures P-2 and P-3. When no action was taken against the culprits, the present petition is filed.

While issuing notice of motion, respondent No.3 was directed to conduct an enquiry into the matter and to file an affidavit, which he did. Contents of the reply filed by Senior Superintendent of Police were noticed, when the case was taken up on February 22, 2007. It is stated in the affidavit that no incriminating evidence came against Kirna Singh. Finding that enquiry was not conducted keeping in view the allegations made in the complaint, this Court directed the SSP, Mukatsar to enquire the case again. While so directing, the Court noticed that the petitioner had not only suspected Kirna Singh but had made specific allegation against him and that, as per his assertion, the money was recovered from Kirna Singh by police. The petitioner was given liberty to file affidavit of the villagers in whose

presence the amount was recovered by the police officials from the house of Kirna Singh, as alleged.

Additional affidavit has now been filed by SSP, Mukatsar. It is inter-alia averred in this affidavit that "it is totally incorrect, hence denied that any recovered amount is lying in Police Station Gidderbaha. The deponent has joined in inquiry Jagjit Singh son of Sohan Singh, resident of Gurusar, Darshan Singh son of Hakam Singh, resident of Gurusar, Jagseerpal @ Papu son of Babu Ram resident of Gidderbaha, SI Balkar Singh, Gurtej Singh @ Kikna son of Gajjan Singh resident of Gidderbaha. True translation of their statements is attached for the kind perusal of this Court as Annexure R-2 to R-6. The petitioner has introduced Jagjit Singh and Darshan Singh as witness for the first time during an inquiry by the deponent after filing the present writ petition dated 19.9.06." It is stated that Gurtej Singh @ Kikna (perhaps Kirna) is not found involved in the present case and accordingly he was not arrested.

It is, thus, seen that the allegation of recovery of money has been denied by the S.S.P., who has himself conducted the investigation pursuant to the direction by this Court. S.S.P. has filed his own affidavit in this regard.

Counsel for the petitioner still says that matter is not properly enquired and as such, prays that the same be handed over to some independent agency as prayed for. Since the investigation in this case is conducted by the then S.S.P. of the District himself, it is not appropriate to doubt the same. The petitioner has not laid any basis of his doubt. He has not shown that the investigation is tainted or not fair for any reason whatsoever. No other allegation is found

for which the S.S.P. had not held fair enquiry. S.S.P. has filed his own affidavit in response to the assertion made in the petition. No case for issuing any direction for transfer of this investigation is, thus, made out.

Dismissed.

July 12, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**